

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, April 5, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Gordon Stork, Century Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Fairfield, and Froelich.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2168, Engrossed SB 2171, and SB 2361 be adopted, which motion prevailed.

Engrossed SB 2168, Engrossed SB 2171, and SB 2361, as amended, were placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2168:** A BILL for an Act to create and enact a new chapter to title 6, a new section to chapter 50-24.4, and a new chapter to title 50 of the North Dakota Century Code, relating to a funding pool to establish the North Dakota health care trust fund to make grants and loans to support development of basic care facilities, assisted living facilities, and other alternatives to nursing facility care; to repeal chapter 50-21 of the North Dakota Century Code, relating to the administration of a revolving fund for nursing homes and homes for aged; to provide continuing appropriations to make funding pool payments and disbursements from the North Dakota health care trust fund; to declare a retroactive application; to provide an appropriation; to provide an expiration date; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Froelich

Engrossed SB 2168, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2171:** A BILL for an Act to create and enact three new sections to chapter 27-20, two new subsections to section 50-09-01, five new subsections to section 50-09-02, two new subsections to 50-09-03, a new section to chapter 50-09, two new sections to chapter 50-11, two new chapters to title 50, and a new section to chapter 50-12 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997 and the interstate compact on adoption and medical assistance; to amend and reenact subsection 4 of section 14-15-11, subsection 2 of section 14-15.1-04, sections 27-20-02, 27-20-03, 27-20-30, 27-20-36, 27-20-38, 27-20-44, 27-20-45, 27-20-46,

27-20-47, 27-21-02.1, and 50-11-06.8 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997; and to provide for a legislative council study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Froelich

Engrossed SB 2171, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2361:** A BILL for an Act to create and enact two new subsections to section 53-06.2-01, a new subsection to section 53-06.2-04, a new subsection to section 53-06.2-05, and a new section to chapter 53-06.2 of the North Dakota Century Code, relating to definitions, funds administered by the racing commission, and a continuing appropriation; to amend and reenact subsections 1 and 2 of section 53-06.2-11 of the North Dakota Century Code, relating to the use of racing funds; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Boucher; Brekke; Brusegaard; Cleary; DeKrey; Delmore; Ekstrom; Glassheim; Grumbo; Gulleson; Hanson; Hawken; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Renner; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Henegar; Herbel; Johnson, N.; Kelsch, R.; Kempenich; Klein; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Lundgren; Monson; Niemeier; Pollert; Poolman; Porter; Price; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Tollefson; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Froelich

SB 2361, as amended, was declared lost for lack of Constitutional majority.

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#### SECOND READING OF SENATE BILL

**SB 2381:** A BILL for an Act to amend and reenact section 15-40.1-07.7 of the North Dakota Century Code, relating to per student payments for limited English proficient students.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich

**NAYS:** Byerly; DeKrey; Drovdal; Gulleason; Kempenich; Weisz; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Froelich

SB 2381 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that House Rule 601(3) be suspended, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 11:00 a.m., which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2009, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1056-1060 of the House Journal, Engrossed Senate Bill No. 2009 is amended as follows:

Page 1, line 2, replace the first "and" with "to provide for crop protection product task force; to provide a statement of legislative intent; to provide for a transfer;"; replace "section" with "sections", and after "4-01-21" insert "and 19-18-04"

Page 1, line 3, after "commissioner" insert "and pesticide registration fees; and to declare an emergency"

Page 1, remove line 11

Page 1, line 13, replace "3,053,452" with "3,083,452"

Page 1, line 14, replace "828,957" with "628,957"

Page 1, line 18, replace "851,681" with "776,681"

Page 1, line 24, replace "553,907" with "573,907"

Page 2, line 2, replace "8,599,579" with "8,374,579"

Page 2, line 3, replace "4,068,216" with "4,033,216"

Page 2, line 4, replace "4,531,363" with "4,341,363"

Page 2, after line 11, insert:

**"SECTION 3. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-18-04. Registration - Fees.** Any person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:

1. Give the name and address of each manufacturer or distributor.

2. Give the name and brand of each product registered.
3. Be accompanied by a current label of each product so registered.
4. Be accompanied by a registration fee of ~~three~~ four hundred dollars for each product registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit ~~fifty~~ sixty-seven dollars for each registered product to the general fund in the state treasury and the remainder of the registration fee for each registered product to the environment and rangeland protection fund.
5. Be accompanied by a material safety data sheet.

The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product. If after public hearing before the commissioner the application is denied, the product may not be offered for sale.

Each registration covers a two-year period beginning January first and expiring December thirty-first of the following year. A certificate of registration may not be issued for a term longer than two years, and is not transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee must be imposed if the license or certificate of registration is not applied for on or before January thirty-first following the expiration date, or within the same month the pesticides are first manufactured or sold within this state. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.

This section does not apply to a pesticide sold by a retail dealer if the registration fee has been paid by the manufacturer, jobber, or any other person, as required by this section."

Page 2, line 14, replace "\$1,860,576" with "\$1,880,576"

Page 2, after line 21, insert:

**"SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, from the game and fish department operating fund for the waterbank program for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 7. LEGISLATIVE INTENT - PROJECT SAFE SEND.** It is the intent of the legislative assembly that the agriculture commissioner not accept products under project safe send from wholesalers or manufacturers unless the full cost of disposal is recovered from the wholesaler or manufacturer. It is also the intent of the legislative assembly that products which are not a direct danger to the public should be disposed of by the owner in a proper manner. The agriculture commissioner may distribute educational materials on the proper and safe disposal of appropriate materials by the original purchaser for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 8. PROJECT SAFE SEND - FEES.** The agriculture commissioner may charge wholesalers and manufacturers a fee for the disposal of pesticides located in North Dakota. The fee may not be less than the cost of disposal. All fees collected under this section must be deposited in the environment and rangeland protection fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 9. TRANSFER.** The office of management and budget shall transfer \$85,000 from the environment and rangeland protection fund to the minor use pesticide fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 10. LINE ITEM TRANSFERS.** Notwithstanding section 54-16-04, the director of the office of management and the state treasurer shall make transfers of funds between line items in section 1 of this Act of up to a cumulative sum of \$100,000

as may be requested by the agriculture commissioner for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 11. CROP PROTECTION PRODUCT TASK FORCE - MEMBERSHIP - DUTIES.** The crop protection product task force consists of the agriculture commissioner, the chairman of the house agriculture committee, the chairman of the senate agriculture committee, and three individuals appointed by the governor. The governor shall call the task force together for its initial meeting, at which time the task force members shall select a member to be chairman. Every meeting thereafter is at the call of the chairman. The task force shall:

1. Identify and prioritize crop protection product labeling needs;
2. Determine which crop protection compounds should be considered for registration by this state and submitted for environmental protection agency approval and allocate funds, as needed, to accomplish the registration and approval; and
3. Work in a coordinated and cooperative fashion with the manufacturers of crop protection products to ensure prompt and consistent labeling of products for use in the United States, Canada, and Mexico.

**SECTION 12. APPROPRIATION.** There is hereby appropriated out of any moneys in the environment and rangeland protection fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the crop protection product task force for the purpose of addressing crop protection product registration and labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 13. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99 BIENNIUM.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying an indemnity and other expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the period beginning with the effective date of this Act and ending June 30, 1999.

**SECTION 14. EMERGENCY.** Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,130,530	\$3,053,452	\$30,000	\$3,083,452
Operating expenses	828,957	828,957	(200,000)	628,957
Equipment	22,900	22,900		22,900
Grants	161,700	161,700		161,700
Board of Animal Health	506,818	502,922		502,922
Ag mediation	857,818	851,681	(75,000)	776,681
Ag in the classroom	96,000	96,000		96,000
Anhydrous ammonia storage	8,154	8,154		8,154
Waterbank program	414,000	414,000		414,000
Pride of Dakota	151,841	151,516		151,516
Wildlife services	779,694	779,694		779,694
Safe Send	554,363	553,907	20,000	573,907
Noxious weeds	<u>1,174,696</u>	<u>1,174,696</u>		<u>1,174,696</u>
Total all funds	\$8,687,471	\$8,599,579	(\$225,000)	\$8,374,579
Less special funds	<u>4,080,342</u>	<u>4,068,216</u>	<u>(35,000)</u>	<u>4,033,216</u>
General fund	\$4,607,129	\$4,531,363	(\$190,000)	\$4,341,363
FTE	46.00	47.00	(1.00)	46.00

Detail of House changes to the Senate version includes:

	RESTORE FUNDING FOR PLANT SERVICES PROGRAM	REDUCE OPERATING EXPENSES	ADD FUNDING FOR COMPUTERS	REMOVE AG MEDIATION NEGOTIATOR	TOTAL HOUSE CHANGES
Salaries and wages	\$30,000 <sup>1</sup>				\$30,000
Operating expenses		(\$200,000) <sup>2</sup>			(200,000)
Equipment					
Grants					
Board of Animal Health					
Ag mediation				(\$75,000) <sup>4</sup>	(75,000)
Ag in the classroom					
Anhydrous ammonia					
storage					
Waterbank program					
Pride of Dakota					
Wildlife services					
Safe Send			\$20,000 <sup>3</sup>		20,000
Noxious weeds					
Total all funds	\$30,000	(\$200,000)	\$20,000	(\$75,000)	(\$225,000)
Less special funds			<u>20,000</u>	<u>(55,000)</u>	<u>(35,000)</u>
General fund	\$30,000	(\$200,000)	\$0	(\$20,000)	(\$190,000)
FTE	0.00	0.00	0.00	(1.00)	(1.00)

House changes narrative:

<sup>1</sup> Restores funding reduced by the Senate for temporary and overtime salaries in the plant services program.

<sup>2</sup> Reduces operating expenses. The commissioner may determine the specific areas to reduce within the budget. A section is added authorizing the Agriculture Commissioner to transfer up to \$100,000 of appropriation authority between line items without Emergency Commission approval.

<sup>3</sup> Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for the Safe Send program.

<sup>4</sup> Removes 1 FTE agriculture mediation negotiator position.

Sections are added providing that the Agriculture Commissioner may charge wholesalers and manufacturers for the actual costs of disposing of their products under project Safe Send and that products which are not a direct danger to the public should be disposed of by the owner in a proper manner rather than under project Safe Send.

A section is added providing for an \$85,000 transfer from the environment and rangeland protection fund to the minor use pesticide fund.

A section is added increasing the biennial pesticide registration fee from \$300 to \$400. Of the \$400, \$67 is deposited in the general fund and \$333 in the environment and rangeland protection fund.

A section is added appropriating \$25,000 from the general fund for the remainder of the 1997-99 biennium for indemnifying the owner and paying other expenses associated with destroying a herd of cattle infected with bovine tuberculosis.

Sections are added establishing a crop protection task force and appropriating \$300,000 from the environment and rangeland protection fund to the task force for addressing crop protection product registration and labeling issues.

#### REPORT OF STANDING COMMITTEE

**SB 2162, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2162 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 959 and 960 of the House Journal, Reengrossed Senate Bill No. 2162 is amended as follows:

Page 1, line 2, after "enact" insert "a new section to chapter 15-29 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, and to create and enact"

Page 1, line 3, remove "contingent per student payments and" and after "programs" insert "and nonoperating school districts"

Page 1, line 6, after the second semicolon insert "to provide for a legislative council study;"

Page 1, after line 8, insert:

**"SECTION 1.** If House Bill No. 1034 does not become effective, a new section to chapter 15-29 of the North Dakota Century Code is created and enacted as follows:

**School district superintendent - Joint employment - Accreditation.** The superintendent of public instruction may not impose through the accreditation process any penalties or sanctions on a school district for employing a superintendent jointly with one or more other districts. The superintendent may not require, through the accreditation process, that an employee of a school district having fewer than one hundred students in high school spend more than thirty-three percent of the employee's time performing the duties of a school principal.

Page 1, line 18, after the second underscored comma insert "transportation aid,"

Page 1, overstrike line 24

Page 2, line 3, replace "thirty-nine" with "thirty-four"

Page 2, line 5, replace "ten" with "forty"

Page 2, line 8, remove "The superintendent of public instruction shall monitor student enrollments. If"

Page 2, remove lines 9 through 14

Page 2, line 15, remove "c."

Page 2, line 20, remove the overstrike over "e." and remove "d."

Page 3, line 5, remove the overstrike over "d." and remove "e."

Page 11, remove lines 29 and 30

Page 12, remove lines 1 through 5

Page 12, after line 27, insert:

**"SECTION 7.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

**Nonoperating school districts - Education of students - State payments.**

1. Notwithstanding the provisions of any other law, a school district operating on the effective date of this Act may become a nonoperating district, provided:
  - a. The board of the district terminates the operation of all public schools in the district;
  - b. The board provides for the education in other school districts of all kindergarten, elementary, and secondary school students residing in the district; and
  - c. The board pays to other school districts educating its students the full per student cost of education in the receiving district.
2. The board of a nonoperating school district shall continue to employ, on a full-time or a part-time basis, one person qualified to manage the finances of the district.
3. The board of a nonoperating school district is governed by all laws applicable to the board of an operating school district.
4. A nonoperating district under this section is entitled to receive all per student payments, supplemental payments, tuition apportionment payments, transportation aid payments, special education payments,

vocational education payments, and any other state payments to school districts, for each resident student, in the same manner that the payments would be made had the district remained operational.

5. Total state payments made annually to a nonoperating district under this section may not be less than the total state payments received by the district during its final year of operation.
6. A school district may be nonoperational for no more than five school years.

**SECTION 8.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School district superintendent - Joint employment - Accreditation.** The superintendent of public instruction may not impose through the accreditation process any penalties or sanctions on a school district for employing a superintendent jointly with one or more other districts. The superintendent may not require, through the accreditation process, that an employee of a school district having fewer than one hundred students in high school spend more than thirty-three percent of the employee's time performing the duties of a school principal."

Page 15, line 20, replace "the effective date of" with "July 1, 1999,"

Page 15, line 21, remove "sections 1 through 8 of this Act"

Page 15, line 23, after "reorganization" insert "and that for subsequent years the district receives amounts determined pursuant to section 15-40.1-07.3"

Page 15, replace lines 24 through 31 with:

**"SECTION 12. LEGISLATIVE COUNCIL STUDY OF EDUCATIONAL EQUITY AND FUTURE EDUCATIONAL DELIVERY.** The legislative council shall study the provision of education to public school students in this state and shall examine the manner in which education to public school students will be delivered in the ensuing five, ten, and twenty years. Within this study, the council shall address demographic changes as they affect equity of educational opportunities with respect to courses, facilities, and extracurricular activities; equity with respect to teacher availability and qualifications; equity with respect to the organization and administration of school districts; and taxpayer equity in both rural and urban school districts. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly."

Page 16, remove lines 1 through 4

Page 16, line 6, replace "\$3,000,000 with "\$1,500,000"

Page 16, line 14, replace "Section 9" with "Sections 6 and 11" and replace "is" with "are"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2182, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2182 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 962 and 963 of the House Journal, Engrossed Senate Bill No. 2182 is amended as follows:

Page 1, line 12, after the period insert "'Plan" means the North Dakota student plan, which is the children's health insurance program state plan.

5."

Page 1, line 16, replace "a state" with "the" and replace "for a children's health insurance" with "that includes eligibility determinations for self-employed applicants based on the average of the previous three years of adjusted gross income, which means the adjusted gross income as computed for an individual for federal income tax purposes under the Internal Revenue Code"



Page 1, line 17, remove "program in this state"

Page 1, line 21, replace ", including:" with a semicolon

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 3

Page 2, line 4, after the period insert "Apply for a federal waiver allowing twelve months of plan eligibility for a family whose income does not exceed one hundred seventy-five percent of the poverty line, is no longer eligible for temporary assistance for needy families because of increased earnings, and has exhausted transitional medical assistance;

5. Apply for a federal waiver allowing plan coverage for a family through an employer-based insurance policy if an employer-based family insurance policy is more cost-effective than the traditional plan coverage for the children;
6. Report annually to the legislative council and describe enrollment statistics and costs associated with the plan;
- 7."

Page 2, line 7, replace "5" with "8"

Page 2, line 9, replace "children's health insurance" with "plan"

Page 2, line 10, remove "program"

Page 2, line 11, replace "children's health insurance program" with "plan"

Page 2, after line 14, insert:

**"North Dakota student plan requirements.** The plan:

1. Must be provided through private contracts with insurance carriers;
2. Must allow conversion to another health insurance policy;
3. Must be based on an actuarial equivalent of a benchmark plan;
4. Must incorporate every state-required waiver approved by the federal government;
5. Must include community-based eligibility outreach services; and
6. Must provide:
  - a. An income eligibility limit of one hundred forty percent of the poverty line;
  - b. A copayment requirement for each pharmaceutical prescription and for each emergency room visit;
  - c. A deductible for each inpatient hospital visit;
  - d. A deductible for each emergency room visit;
  - e. Coverage for:
    - (1) Inpatient hospital, medical, and surgical services;
    - (2) Outpatient hospital and medical services;
    - (3) Psychiatric and substance abuse services;
    - (4) Prescription medications;
    - (5) Preventive screening services;

- (6) Preventive vision services; and
- (7) Maternity services; and
- f. A coverage effective date:
  - (1) That is either the first or fifteenth day of the month, whichever next succeeds the date of application; or
  - (2) In the case of a newborn, that is either the first or fifteenth day of the month, whichever next succeeds the later of the date of application or the date the newborn is discharged from the hospital."

Page 2, line 18, replace "may" with "shall"

Page 2, line 21, replace "the department estimates that" with "federal children's health insurance program funding decreases, the department may decrease the income eligibility limit to accommodate the decrease in federal funding,"

Page 2, remove lines 22 and 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2355, as engrossed and amended: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2355, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 912 and 913 of the House Journal, Engrossed Senate Bill No. 2355 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is amended and reenacted as follows:

##### **11-33-02. Board of county commissioners to designate districts.**

1. For any or all of the purposes designated in section 11-33-01, the board of county commissioners may ~~divide~~ by resolution ~~divide~~ all or any parts of the county, subject to the provisions of section 11-33-20, into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations ~~shall~~ must be uniform in each district, but the regulations in one district may differ from those in other districts. ~~No A regulation or restriction, however, shall may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. The provisions of this or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.~~
2. A board of county commissioners may regulate the nature and scope of livestock feeding operations permissible in the county, provided:
  - a. If a regulation would impose a substantial economic burden on an agricultural operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the

regulation is ineffective with respect to any agricultural operation in existence before the effective date of the regulation.

- b. A regulation may not prohibit the reasonable diversification or expansion of an agricultural operation.
  - c. A regulation may not preclude the development of a concentrated or confined animal feeding operation in the county. A regulation addressing the development of a concentrated or confined animal feeding operation in the county may set reasonable standards, based on the size of the operation, to govern its location.
3. ~~This chapter shall~~ does not ~~be construed to~~ include any power relating to the establishment, repair, and maintenance of highways or roads.

**SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**58-03-11. Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.**

- 1. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts.
- 2. ~~No~~ A regulation or restriction, however, may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. The provisions of sections or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
- 3. A board of township supervisors may regulate the nature and scope of livestock feeding agricultural operations permissible in the township, provided:
  - a. If a regulation would impose a substantial economic burden on an agricultural operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any agricultural operation in existence before the effective date of the regulation.
  - b. A regulation may not prohibit the reasonable diversification or expansion of an agricultural operation.
  - c. A regulation may not preclude the development of a concentrated or confined animal feeding operation in the county. A regulation addressing the development of a concentrated or confined animal feeding operation in the county may set standards, based on the size of the operation, to govern its location.
- 4. ~~Sections 58-03-11 through 58-03-15 may do not be construed to~~ include any power relating to the establishment, repair, and maintenance of highways or roads."

**REPORT OF CONFERENCE COMMITTEE**

**HB 1158, as engrossed:** Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Weisz, B. Thoreson, Eckre) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 917, adopt amendments as follows, and place HB 1158 on the Seventh order:

That the Senate recede from its amendments as printed on page 917 of the House Journal and page 741 of the Senate Journal and that Engrossed House Bill No. 1158 be amended as follows:

Page 1, line 4, remove "and telemedicine"

Page 2, remove line 4

Page 2, remove lines 6 and 7

Page 7, remove lines 1 and 2

Renumber accordingly

Engrossed HB 1158 was placed on the Seventh order of business on the calendar.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wald presiding.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2307 and SB 2440 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2307:** Sens. Krebsbach; Klein; Thompson

**SB 2440:** Sens. Schobinger; B. Stenehjem; Thompson

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1035:** Sens. Cook; Flakoll; O'Connell

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass: HB 1476.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1434.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1043, HB 1290.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1043**

In addition to the amendments adopted by the Senate as printed on page 740 of the Senate Journal, Reengrossed House Bill No. 1043 is further amended as follows:

Page 16, line 31, replace "\$29,000" with "\$39,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 406 - LABOR COMMISSIONER

SENATE - This amendment increases the general fund appropriation to the Labor Commissioner by \$10,000, from \$29,000 to \$39,000. The funds are for the provision of services to prevent employment discrimination and unfair housing practices.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1290**

In lieu of the amendments adopted by the Senate as printed on pages 716 and 717 of the Senate Journal, Reengrossed House Bill No. 1290 is amended as follows:

Page 1, line 2, after the second semicolon insert "to provide for a transfer; to provide a statement of legislative intent;"

Page 11, line 4, replace "\$239,000" with "\$454,000"

Page 11, after line 7, insert:

**"SECTION 3. TRANSFER.** The Bank of North Dakota shall transfer the sum of \$250,000 from uncommitted funds of the agricultural partnership in assisting community expansion fund to the agriculture department's operating fund for the purpose of implementing and operating the state meat inspection program for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 4. ESTABLISHMENT OF STATE MEAT INSPECTION RULES - TEMPORARY COMMITTEE.** The agriculture commissioner shall appoint a committee to assist in establishing administrative rules for the state meat inspection program which meet the requirements of the United States department of agriculture for the biennium beginning July 1, 1999, and ending June 30, 2001. The committee consists of the agriculture commissioner or the commissioner's designee; the vice president of agricultural affairs at North Dakota state university; the state veterinarian or the veterinarian's designee; and four individuals appointed by the agriculture commissioner, one of whom represents producers, one of whom represents processors, and two consumer members. The agriculture commissioner or the commissioner's designee is chairman of the committee. Each appointed member is entitled to receive sixty-two dollars and fifty cents per day as compensation for time actually spent devoted to the duties as provided in this section and is entitled to receive necessary expenses in the same manner and amounts as state officials for attending meetings and performing other functions of the office.

**SECTION 5. LEGISLATIVE INTENT.** It is the intent of the fifty-sixth legislative assembly that the agriculture commissioner complete the promulgation of rules for the state meat inspection program and begin operating the program by July 1, 2000; however, if it is not possible to begin by July 1, 2000, the commissioner may begin the program at a later date but not later than January 1, 2001."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

##### **DEPARTMENT 602 - AGRICULTURE DEPARTMENT**

**SENATE -** This amendment creates a committee for only the 1999-2001 biennium to assist the Agriculture Commissioner in establishing the administrative rules for the state meat inspection program.

A section of legislative intent is added providing that the Agriculture Commissioner attempt to begin the program by July 1, 2000, but if that is not possible, the program should begin no later than January 1, 2001.

The appropriation is increased by \$215,000 of special and federal funds. Of the \$454,000 total special fund appropriation, \$250,000 is provided from a transfer from the Ag PACE fund at the Bank of North Dakota, \$200,000 is from federal funds, and \$4,000 is from collections of inspection fees. Of the \$454,000 appropriation, up to \$50,000 is provided for creating the administrative rules for the program and for training inspectors. The Agriculture Commissioner is authorized up to eight FTE positions for the program.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1003, HB 1013, HB 1015, HB 1475.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003**

Page 1, line 2, after "system" insert "; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the adoption of the midwestern regional higher education compact; and to declare an emergency"

Page 1, replace lines 12 through 24 with:

<b>"NORTH DAKOTA UNIVERSITY SYSTEM</b>	
Salaries and wages	\$342,117,813
Technology	21,948,467
Restoration pool	1,178,000
Total salaries, wages, technology, and restoration	\$365,244,280
Estimated income:	
Bismarck state college	\$7,339,776

University of North Dakota - Lake Region	1,453,806	
University of North Dakota - Williston	2,300,265	
University of North Dakota	52,633,093	
North Dakota state university	48,866,414	
North Dakota state college of science	9,485,836	
Dickinson state university	6,146,576	
Mayville state university	2,908,718	
Minot state university	11,501,851	
Valley City state university	3,893,786	
Minot state university - Bottineau	1,364,817	
University of North Dakota medical center	10,812,782	
Forest service	<u>663,040</u>	
Less institutional estimated income		<u>159,370,760</u>
General fund appropriation		\$205,873,520

## Subdivision 2.

## NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Operating expenses	\$760,709
Equipment	26,000
Student financial assistance grants	4,450,281
Information technology management	215,255
Professional student exchange program	1,310,716
Disabled student services	26,560
Technical administration	197,627
Contingency and capital improvements emergency fund	398,000
Scholars program	706,230
Native American scholarships	204,082
Title II	534,000
Competitive research program	1,971,100
Prairie public broadcasting	992,513
Board initiatives	<u>2,296,000</u>
Total operating funds	\$14,089,073
Less estimated income	<u>4,933,900</u>
General fund appropriation	\$9,155,173

## Subdivision 3.

## BISMARCK STATE COLLEGE

Operating expenses	\$4,893,212
Equipment	367,187
Capital improvements	<u>958,835</u>
Total operating funds	\$6,219,234
Less estimated income	<u>450,000</u>
General fund appropriation	\$5,769,234
Local funds appropriation	\$11,370,000
Total all funds appropriation	\$17,589,234

## Subdivision 4.

## UNIVERSITY OF NORTH DAKOTA - LAKE REGION

Operating expenses	\$1,338,042
Equipment	150,338
Capital improvements	<u>1,094,318</u>
Total operating funds	\$2,582,698
Less estimated income	<u>495,000</u>
General fund appropriation	\$2,087,698
Local funds appropriation	\$6,403,766
Total all funds appropriation	\$8,986,464

## Subdivision 5.

## UNIVERSITY OF NORTH DAKOTA - WILLISTON

Operating expenses	\$1,521,116
Equipment	249,596
Capital improvements	<u>88,790</u>
Total operating funds	\$1,859,502
Less estimated income	
General fund appropriation	<u>\$1,859,502</u>

Local funds appropriation	\$1,653,000
Total all funds appropriation	\$3,512,502

## Subdivision 6.

## UNIVERSITY OF NORTH DAKOTA

Operating expenses	\$27,655,286
Equipment	1,520,260
Capital improvements	4,917,136
Special initiatives pool	<u>1,462,223</u>
Total operating funds	\$35,554,905
Less estimated income	
General fund appropriation	<u>\$35,554,905</u>
Local funds appropriation	\$282,733,609
Total all funds appropriation	\$318,288,514

## Subdivision 7.

## NORTH DAKOTA STATE UNIVERSITY

Operating expenses	\$21,576,515
Equipment	1,867,800
Capital improvements	8,652,531
Skills training center	<u>1,535,000</u>
Total operating funds	\$33,631,846
Less estimated income	<u>7,037,500</u>
General fund appropriation	\$26,594,346
Local funds appropriation	\$111,620,179
Total all funds appropriation	\$145,252,025

## Subdivision 8.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

Operating expenses	\$6,605,363
Equipment	1,494,368
Capital improvements	<u>635,885</u>
Total operating funds	\$8,735,616
Less estimated income	
General fund appropriation	<u>\$8,735,616</u>
Local funds appropriation	\$15,580,000
Total all funds appropriation	\$24,315,616

## Subdivision 9.

## DICKINSON STATE UNIVERSITY

Operating expenses	\$4,074,962
Equipment	390,000
Capital improvements	<u>693,962</u>
Total operating funds	\$5,158,924
Less estimated income	
General fund appropriation	<u>\$5,158,924</u>
Local funds appropriation	\$8,221,397
Total all funds appropriation	\$13,380,321

## Subdivision 10.

## MAYVILLE STATE UNIVERSITY

Operating expenses	\$2,211,150
Equipment	170,500
Capital improvements	<u>931,671</u>
Total operating funds	\$3,313,321
Less estimated income	
General fund appropriation	<u>\$3,313,321</u>
Local funds appropriation	\$7,400,000
Total all funds appropriation	\$10,713,321

## Subdivision 11.

## MINOT STATE UNIVERSITY

Operating expenses	\$6,043,525
Equipment	917,929

Capital improvements	1,050,466
Total operating funds	\$8,011,920
Less estimated income	
General fund appropriation	\$8,011,920
Local funds appropriation	\$19,003,936
Total all funds appropriation	\$27,015,856

## Subdivision 12.

## VALLEY CITY STATE UNIVERSITY

Operating expenses	\$2,842,167
Equipment	323,100
Capital improvements	812,334
Center for innovation in instruction	299,583
Special initiatives	68,714
Total operating funds	\$4,345,898
Less estimated income	
General fund appropriation	\$4,345,898
Local funds appropriation	\$8,820,000
Total all funds appropriation	\$13,165,898

## Subdivision 13.

## MINOT STATE UNIVERSITY - BOTTINEAU

Operating expenses	\$1,063,035
Equipment	147,500
Capital improvements	218,130
Total operating funds	\$1,428,665
Less estimated income	60,000
General fund appropriation	\$1,368,665
Local funds appropriation	\$2,124,426
Total all funds appropriation	\$3,553,091

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

Operating expenses	\$423,601
Equipment	65,011
Capital improvements	79,541
Grants to centennial trees	147,486
Total operating funds	\$715,639
Less estimated income	195,966
General fund appropriation	\$519,673
Local funds appropriation	\$1,336,082
Total all funds appropriation	\$2,051,721

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Operating expenses	\$7,502,327
Equipment	547,915
Total operating funds	\$8,050,242
Less estimated income	
General fund appropriation	\$8,050,242
Local funds appropriation	\$47,592,145
Total all funds appropriation	\$55,642,387
Grand total general fund appropriation H.B. 1003	\$326,398,637
Grand total estimated income appropriation H.B. 1003	\$172,543,126
Grand total local funds appropriation H.B. 1003	\$523,858,540
Grand total all funds appropriation H.B. 1003	\$1,022,800,303"

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31



Page 7, remove lines 1 through 3

Page 7, line 5, replace "critical salary pool" with "board initiatives"

Page 7, line 6, replace the first "1" with "2"

Page 7, line 7, replace the first "1" with "2" and replace "14" with "15"

Page 7, line 10, replace "critical salary pool" with "board initiatives"

Page 8, line 9, after "approve" insert "the"

Page 8, line 12, remove "appropriations"

Page 8, line 13, replace the first "1" with "2"

Page 8, line 14, replace "3" with "32"

Page 8, line 19, after the first "to" insert "the"

Page 8, line 21, replace "**FUNDS**" with "**FUND APPROPRIATIONS**"

Page 8, line 22, replace "funds" with "fund dollars"

Page 8, remove lines 28 through 30

Page 9, remove lines 1 and 2

Page 9, line 9, after "funds" insert ", in addition to the minimum local match of \$200,000,"

Page 9, line 13, after "funds" insert ", in addition to the minimum local match of \$495,000,"

Page 9, remove lines 16 through 20

Page 9, line 29, replace "11" with "9"

Page 10, remove lines 8 through 10

Page 10, after line 15, insert:

**"SECTION 13. NDSU/NDSCS SKILLS TRAINING CENTER.** The general fund moneys provided by the 1999 legislative assembly for the skills training center may only be used for renovations to the skills training center. Any general fund moneys provided for the skills training center for the 1999-2001 biennium are intended to be the final direct general fund support provided by the legislative assembly, and no direct general fund support may be provided for the operations of or renovations or additions to the skills training center after the 1999-2001 biennium.

**SECTION 14. PROGRAM COORDINATION AND ACCREDITATION.** The legislative assembly urges the state board of higher education to carefully review requests by state institutions of higher education applying for accreditation of programs that have already been accredited at other state institutions. The board should consider student access and quality issues as well as costs when reviewing such requests. Whenever such a request is made or accreditation is granted, the board is encouraged to direct the campuses offering similar programs to cooperate in jointly offering the similar programs by using the staffs and resources of the other campuses. Also, the legislative assembly expresses its strong support for the board to continue implementing policies and procedures to ensure coordination and cooperation between campuses where similar programs are offered.

**SECTION 15. TECHNOLOGY POOL.** The technology pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. Technology funding allocations are to be made based on historic funding, the higher education computer network strategic plan, base funding for higher education computer network computer center operations, and base funding for interactive video network and on-line Dakota information network operations.

**SECTION 16. SALARY POOL.** The salary pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the salary appropriation pool in subdivision 1 of section 1, the state board of higher education shall allocate a minimum of ninety-five percent of the 1997-99 salary and wage appropriation to the institutions and entities in subdivisions 2 through 15 of section 1. The board is encouraged to allocate the funds to achieve the reinvestment of funds included in the 1999-2001 biennium entity budget requests. The board may, at its discretion, allocate funds to address equity funding issues and additional salary increases beyond legislative appropriations although it is recognized by the legislative assembly that significant additional funds or reallocations between campuses are necessary to fully address the equity funding and salary increase issues.

**SECTION 17. ALLOCATION OF RESTORATION LINE.** The restoration line in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the restoration line in subdivision 1 of section 1, the board of higher education is strongly encouraged to consider allocating the funds to address equity funding issues and special academic program needs of the entities under its control.

**SECTION 18. LEGISLATIVE COUNCIL INTERIM STUDY OF HIGHER EDUCATION FUNDING.** The legislative council shall consider studying higher education funding during the 1999-2000 interim. If conducted, the study should solicit input from the governor, board of higher education, executive branch, university system campuses, and representatives of business and industry. The study should address the expectations of the North Dakota university system in meeting the state's needs in the twenty-first century, the funding methodology needed to meet these expectations and needs, and an accountability system and reporting methodology for the university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 19. UTILITY SAVINGS.** Any utility savings realized during the 1999-2001 biennium by the entities listed in section 1 of this Act must be used for maintenance or capital project expenditures.

**SECTION 20. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the appropriate entities in section 1 of this Act all income from permanent funds managed for the benefit of those institutions.

**SECTION 21. PARTICIPATION IN MIDWESTERN REGIONAL HIGHER EDUCATION COMPACT STUDENT EXCHANGE PROGRAM.** Notwithstanding section 22 of this Act, it is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium North Dakota's membership in the midwestern regional higher education compact may not include participation in the compact's student exchange program. The legislative council shall consider including a review of North Dakota's participation in the student exchange program portion of the midwestern regional higher education compact in the study provided for in section 18 of this Act.

**SECTION 22.** A new chapter to title 15 of the North Dakota Century Code is created and enacted as follows:

**Midwestern regional higher education compact.** The midwestern regional higher education compact is adopted as follows:

#### Article I. Purpose

The purpose of the midwestern higher education compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the states that are parties to this compact.

#### Article II. The Commission

1. The compacting states create the midwestern higher education commission, hereinafter called the commission. The commission is a body corporate of each compacting state. The commission has all the responsibilities, powers, and duties set forth in this chapter, including the

power to sue and be sued, and any additional powers conferred upon it by subsequent action of the respective legislative assemblies of the compacting states in accordance with the terms of this compact.

2. The commission consists of the following five resident members from each state: the governor or the governor's designee who serves during the tenure of office of the governor; two legislators, one from each house, except for Nebraska, which may appoint two legislators from its legislative assembly, who serve two-year terms and are appointed by the appropriate appointing authority in each house of the legislative assembly; and two other at large members, at least one of whom is to be selected from the field of higher education. The at large members are to be appointed as provided by the laws of the appointing state. One of the two at large members initially appointed in each state serves a two-year term. The other, and any regularly appointed successor to either at large member, serves a four-year term. All vacancies are to be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy serves until the end of the incomplete term.
3. The commission shall select annually, from among its members, a chairman, a vice chairman, and a treasurer.
4. The commission shall appoint an executive director who serves at its pleasure and who is secretary to the commission. The treasurer, the executive director, and other personnel as the commission determines must be bonded in the amounts required by the commission.
5. The commission shall meet at least once each calendar year. The chairman may call additional meetings and upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. The commission shall give public notice of all meetings. All meetings must be open to the public.
6. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

#### Article III. Powers and Duties of the Commission

1. The commission shall adopt bylaws governing its management and operations.
2. Notwithstanding the laws of any compacting state, the commission shall provide for the personnel policies and programs of the compact in its bylaws.
3. The commission shall submit a budget to the governor and legislative assembly of each compacting state at the time and for the period required by each state. The budget must contain recommendations regarding the amount to be appropriated by each compacting state.
4. The commission shall report annually to the legislative assemblies and governors of the compacting states, to the midwestern governors' conference, and to the midwestern legislative conference of the council of state governments regarding the activities of the commission during the preceding year. The reports must include any recommendations that have been adopted by the commission.
5. The commission may borrow, accept, or contract for the services of personnel from any state or from the United States, or from any subdivision or agency thereof, from any interstate agency, or from any person.
6. The commission may accept for any of its purposes and functions under the compact donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or from any subdivision or agency thereof, from an interstate agency, or from any person, and may receive, use, and dispose of the same.

7. The commission may enter agreements with any other interstate education organization or agency, with institutions of higher education located in nonmember states, and with any of the various states to provide adequate programs and services in higher education for the citizens of the respective compacting states. After negotiations with interested institutions and interstate organizations or agencies, the commission shall determine the cost of providing the programs and services in higher education for use in these agreements.
8. The commission may establish and maintain offices in one or more of the compacting states.
9. The commission may establish committees and hire staff as necessary to carry out its functions.
10. The commission may provide for actual and necessary expenses for the attendance of its members at official meetings of the commission or of its designated committees.

#### Article IV. Activities of the Commission

1. The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislative assemblies of the compacting states regarding continuance of the compact.
2. The commission shall study higher education issues that are of particular concern to the midwestern region. The commission also shall study the need for higher education programs and services in the compacting states and the resources for meeting those needs. The commission shall prepare reports, on its research, for presentation to the governors and legislative assemblies of the compacting states, as well as to other interested parties. In conducting the studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislative assemblies of the various compacting states suggested legislation addressing issues in higher education.
3. The commission shall study the need for the provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter agreements with any institution of higher education and with any compacting state to provide programs and services in higher education for the citizens of the respective compacting states. After negotiating with interested institutions and the compacting states, the commission shall determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute funds not otherwise provided, as determined by the commission, to carry out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.
4. The commission shall serve as a clearinghouse for information regarding higher education activities among institutions and agencies.
5. The commission may provide services and research in any other area of regional concern.

#### Article V. Finance

1. The compacting states will appropriate the amount necessary to finance the general operations of the commission, not otherwise provided for, when authorized by their respective legislative assemblies. The amount must be apportioned equally among the compacting states.
2. The commission may not incur any obligations prior to the passage of appropriations adequate to meet the same; nor may the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

3. The commission shall keep accurate accounts of its receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements handled by the commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the commission.
4. The accounts of the commission must be open at any reasonable time for inspection by duly authorized representatives of the compacting states and by persons authorized by the commission.

#### Article VI. Eligible Parties and Entry Into Force

1. The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to become parties to this compact. Additional states may be eligible if approved by a majority of the compacting states.
2. This compact becomes effective, as to any eligible party state, when its legislative assembly enacts the compact into law.
3. An amendment to the compact becomes effective upon its enactment by the legislative assemblies of all compacting states.

#### Article VII. Withdrawal, Default, and Termination

1. A compacting state may withdraw from the compact by enacting a statute repealing the compact, but the withdrawal may not become effective until two years after the enactment of such statute. A withdrawing state is liable for any obligation that it incurred on account of its party status, up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it remains liable to the extent of the obligation.
2. If a compacting state at any time defaults in the performance of its obligations, assumed or imposed, in accordance with this compact, all rights, privileges, and benefits conferred by this compact or by agreements made under the compact are suspended from the effective date of the default, as fixed by the commission. The commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless the default is remedied under the stipulations and within the time period set by the commission, the compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other member states. A defaulting state may be reinstated by performing all acts and obligations required by the commission.

#### Article VIII. Severability and Construction

The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or its applicability to any person or circumstance is held invalid, the validity of the remainder of the compact and its applicability to any person or circumstance may not be affected. If the compact is found to be contrary to the constitution of any compacting state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of the compact must be liberally construed to effectuate the purpose of the compact.

#### **Midwestern higher education commission - Terms - Vacancies.**

1. The members of the midwestern higher education commission representing this state are:
  - a. The governor or the governor's designee.

- b. One member of the senate and one member of the house of representatives, appointed by the chairman of the legislative council.
  - c. Two at large members, one of whom must be knowledgeable about the field of higher education, appointed by the governor.
2. The term of each legislative appointee is two years. One initial at large member must be appointed for a term of two years and the other for a term of four years. Thereafter, the term of each at large member is four years.
  3. If a member vacates the position to which the member was appointed, the position must be filled for the remainder of the unexpired term in the same manner as that position was filled initially.

**SECTION 23. EMERGENCY.** The capital improvements line items contained in subdivisions 2 through 14 of section 1 of this Act are declared to be emergency measures, and those funds are available immediately upon filing of this Act with the secretary of state. Sections 9 and 10 of this Act are declared to be emergency measures."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment provides for the following changes:

General fund:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$28,856,525	\$14,512,720	\$4,950,031	\$4,771,162	\$93,355,802
House changes		(15,076,229)	464,155	120,099	148,684	2,126,429
House version	\$0	\$13,780,296	\$14,976,875	\$5,070,130	\$4,919,846	\$95,482,231
Senate changes: Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error						
Utility reductions			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the system salary pool	182,747,053	(4,825,123)	(9,251,940)	(2,979,991)	(3,040,568)	(47,214,067)
Funding source change for increased land department revenue distributions						(141,022)
Total Senate changes	<u>\$205,873,520</u>	<u>(\$4,625,123)</u>	<u>(\$9,207,641)</u>	<u>(\$2,982,432)</u>	<u>(\$3,060,344)</u>	<u>(\$59,927,326)</u>
Senate version (general fund)	\$205,873,520	\$9,155,173	\$5,769,234	\$2,087,698	\$1,859,502	\$35,554,905
	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$72,401,732	\$22,682,030	\$13,039,293	\$8,461,666	\$24,852,277	\$11,371,567
House changes	1,331,066	649,764	215,047	223,528	748,976	262,372
House version	\$73,732,798	\$23,331,794	\$13,254,340	\$8,685,194	\$25,601,253	\$11,633,939

Senate changes:  
Restore EPSCoR

funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the system salary pool	(37,717,319)	(14,510,720)	(\$8,089,566)	(5,340,344)	(\$17,583,483)	(\$7,260,842)
Funding source change for increased land department revenue distributions	(205,774)	(83,094)	(5,850)	(30,491)	(5,850)	(27,199)
Total Senate changes	<u>(\$47,138,452)</u>	<u>(\$14,596,178)</u>	<u>(\$8,095,416)</u>	<u>(\$5,371,873)</u>	<u>(\$17,589,333)</u>	<u>(\$7,288,041)</u>
Senate version (other funds)	\$26,594,346	\$8,735,616	\$5,158,924	\$3,313,321	\$8,011,920	\$4,345,898

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$3,872,632	\$1,573,548	\$28,223,862	\$332,924,847
House changes	319,477	53,203	892,349	(7,521,080)
House version	\$4,192,109	\$1,626,751	\$29,116,211	\$325,403,767
Senate changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer Hall hallway renovation project				72,000
Correct other funds portion of Med School pay plan error				
Utility reductions				(554,323)
Remove information technology initiative added by the House	(\$200,000)			(200,000)
Restore a portion of the capital improvement funds removed by the House				250,000
Restore a portion of the specific operating expense reductions made by the House			\$142,449	304,323
Restore all of the Skills Center funding removed by the House				250,000
Provide for a systemwide restoration pool				1,178,000
Funding transferred to the system technology pool				
Funding transferred to the system salary pool	(2,617,594)	(1,107,078)	(21,208,418)	
Funding source change for increased land department revenue distributions	(5,850)			(505,130)
Total Senate changes	<u>(\$2,823,444)</u>	<u>(\$1,107,078)</u>	<u>(\$21,065,969)</u>	<u>\$994,870</u>
Senate version (other funds)	\$1,368,665	\$519,673	\$8,050,242	\$326,398,637

## Other funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$4,933,900	\$7,789,776	\$1,948,806	\$2,300,265	\$56,492,071
House changes			11,370,000	6,403,766	1,653,000	278,733,609
House version	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,225,680

Senate changes:  
Restore EPSCoR

funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool						
Funding transferred to the system salary pool	\$159,370,760		(\$7,339,776)	(\$1,453,806)	(\$2,300,265)	(\$52,633,093)
Funding source change for increased land department revenue distributions						141,022
Total Senate changes:	<u>\$159,370,760</u>	<u>\$0</u>	<u>(\$7,339,776)</u>	<u>(\$1,453,806)</u>	<u>(\$2,300,265)</u>	<u>(\$52,492,071)</u>
Senate version (other funds)	\$159,370,760	\$4,933,900	\$11,820,000	\$6,898,766	\$1,653,000	\$282,733,609

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$55,698,903	\$9,018,742	\$8,340,726	\$2,878,227	\$11,680,734	\$3,866,587
House changes	111,619,416	15,964,000	6,021,397	7,400,000	18,819,203	8,820,000
House version	\$167,318,319	\$24,982,742	\$14,362,123	\$10,278,227	\$30,499,937	\$12,686,587

Senate changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool						
Funding transferred to the system salary pool	(\$48,866,414)	(\$9,485,836)	(\$6,146,576)	(\$2,908,718)	(\$11,501,851)	(\$3,893,786)
Funding source change for increased land department revenue distributions	205,774	83,094	5,850	30,491	5,850	27,199
Total Senate changes	<u>(\$48,660,640)</u>	<u>(\$9,402,742)</u>	<u>(\$6,140,726)</u>	<u>(\$2,878,227)</u>	<u>(\$11,496,001)</u>	<u>(\$3,866,587)</u>
Senate version (other funds)	\$118,657,679	\$15,580,000	\$8,221,397	\$7,400,000	\$19,003,936	\$8,820,000

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$1,418,967	\$859,006	\$59,472,012	\$226,698,722
House changes	2,152,561	1,336,082	(545,582)	469,747,452
House version	\$3,571,528	\$2,195,088	\$58,926,430	\$696,446,174

Senate changes:  
Restore EPSCoR  
funding  
Provide funding to  
complete Schafer  
Hall hallway



renovation project				
Correct other funds			(\$521,503)	(\$521,503)
portion of Med				
School pay plan				
error				
Utility reductions				
Remove information	(\$28,135)			(28,135)
technology initiative				
added by the House				
Restore a portion of				
the capital				
improvement				
funds removed				
by the House				
Restore a portion of the				
specific operating				
expense reductions				
made by the House				
Restore all of the Skills				
Center funding removed				
by the House				
Provide for a systemwide				
restoration pool				
Funding transferred to				
the system technology				
pool				
Funding transferred	(1,364,817)	(\$663,040)	(10,812,782)	
to the system				
salary pool				
Funding source change for	5,850			505,130
increased land				
department revenue				
distributions				
Total Senate changes	<u>(\$1,387,102)</u>	<u>(\$663,040)</u>	<u>(\$11,334,285)</u>	<u>(\$44,508)</u>
Senate version	\$2,184,426	\$1,532,048	\$47,592,145	\$696,401,666
(other funds)				

## Total funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$33,790,425	\$22,302,496	\$6,898,837	\$7,071,427	\$149,847,873
House changes		(15,076,229)	11,834,155	6,523,865	1,801,684	280,860,038
House version	\$0	\$18,714,196	\$34,136,651	\$13,422,702	\$8,873,111	\$430,707,911
Senate changes:						
Restore EPSCoR		\$200,000				
funding						
Provide funding to			\$72,000			
complete Schafer						
Hall hallway						
renovation project						
Correct other funds						
portion of Med						
School pay plan						
error						
Utility reductions			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Remove information						
technology initiative						
added by the House						
Restore a portion of						154,831
the capital						
improvement						
funds removed						
by the House						
Restore a portion of the						
specific operating						
expense reductions						
made by the House						
Restore all of the Skills						
Center funding removed						
by the House						
Provide for a systemwide	\$1,178,000					
restoration pool						
Funding transferred to	21,948,467					(12,291,515)
the system technology						
pool						
Funding transferred	342,117,813	(4,825,123)	(16,591,716)	(4,433,797)	(5,340,833)	(99,847,160)
to the system						
salary pool						
Funding source change for						
increased land						
department revenue						
distributions						
Total Senate changes	<u>\$365,244,280</u>	<u>(\$4,625,123)</u>	<u>(\$16,547,417)</u>	<u>(\$4,436,238)</u>	<u>(\$5,360,609)</u>	<u>(\$112,419,397)</u>
Senate version	\$365,244,280	\$14,089,073	\$17,589,234	\$8,986,464	\$3,512,502	\$318,288,514
(total funds)						
	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$128,100,635	\$31,700,772	\$21,380,019	\$11,339,893	\$36,533,011	\$15,238,154
House changes	<u>112,950,482</u>	<u>16,613,764</u>	<u>6,236,444</u>	<u>7,623,528</u>	<u>19,568,179</u>	<u>9,082,372</u>
House version	\$241,051,117	\$48,314,536	\$27,616,463	\$18,963,421	\$56,101,190	\$24,320,526
Senate changes:						
Restore EPSCoR						
funding						
Provide funding to						
complete Schafer						
Hall hallway						
renovation project						
Correct other funds						

portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the system salary pool	(86,583,733)	(23,996,556)	(\$14,236,142)	(8,249,062)	(\$29,085,334)	(\$11,154,628)
Funding source change for increased land department revenue distributions						
Total Senate changes	<u>(\$95,799,092)</u>	<u>(\$23,996,920)</u>	<u>(\$14,236,142)</u>	<u>(\$8,250,100)</u>	<u>(\$29,085,334)</u>	<u>(\$11,154,628)</u>
Senate version (total funds)	\$145,252,025	\$24,315,616	\$13,380,321	\$10,713,321	\$27,015,856	\$13,165,898

	MSU-BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$5,291,599	\$2,432,554	\$87,695,874	\$559,623,569
House changes	2,472,038	1,389,285	346,767	462,226,372
House version	\$7,763,637	\$3,821,839	\$88,042,641	\$1,021,849,941
Senate changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer Hall hallway renovation project				72,000
Correct other funds portion of Med School pay plan error			(\$521,503)	(521,503)
Utility reductions				(554,323)
Remove information technology initiative added by the House	(\$228,135)			(228,135)
Restore a portion of the capital improvement funds removed by the House				250,000
Restore a portion of the specific operating expense reductions made by the House			142,449	304,323
Restore all of the Skills Center funding removed by the House				250,000
Provide for a systemwide restoration pool				1,178,000
Funding transferred to the system technology pool				
Funding transferred to the system salary pool	(3,982,411)	(\$1,770,118)	(32,021,200)	
Funding source change for increased land department revenue distributions				
Total Senate changes	<u>(\$4,210,546)</u>	<u>(\$1,770,118)</u>	<u>(\$32,400,254)</u>	<u>\$950,362</u>
Senate version (total funds)	\$3,553,091	\$2,051,721	\$55,642,387	\$1,022,800,303

This amendment also:

- Adds a section providing that funding for the Skills Training Center may not be used for the operations of the center and that no general fund support will be provided for the center after the 1999-2001 biennium.
- Adds a section urging the Board of Higher Education to review accreditation of new programs which are already accredited at another institution.
- Adds sections providing directive regarding the allocations to be made from the technology and salary pools and the restoration line.

- Adds a section providing for a Legislative Council study of the funding of higher education.
- Adds a section directing that any utility savings be used for repair or maintenance items.
- Adds a section providing for the additional distributions by the Land Board to the institutions.
- Adds sections providing for the state to join the Midwestern Regional Higher Education Compact.
- Adds a section providing that North Dakota may not participate in the Midwestern Regional Higher Education Compact student exchange program during the 1999-2001 biennium.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013**

Page 1, line 2, after "lands" insert "; to amend and reenact subsection 2 of section 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property; to provide for retroactive application; and to declare an emergency"

Page 1, line 10, replace "2,415,900" with "2,343,160"

Page 1, line 12, replace "7,415,900" with "7,343,160"

Page 2, after line 2, insert:

**"SECTION 5. LEGISLATIVE INTENT - UNCLAIMED PROPERTY EXAMINATIONS - REPORT TO THE FIFTY-SEVENTH LEGISLATIVE ASSEMBLY.** It is the intent of the fifty-sixth legislative assembly that when conducting examinations pursuant to North Dakota Century Code chapter 47-30.1, the administrator of the state abandoned property office give priority to examinations of financial institutions and hospitals. The administrator of the state abandoned property office shall present a report to the fifty-seventh legislative assembly on abandoned property examinations conducted during the 1999-2001 biennium.

**SECTION 6. AMENDMENT.** Subsection 2 of section 47-30.1-30 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The administrator may not require a person to provide records for a period exceeding the current year and seven preceding fiscal years. The administrator may conduct the examination even if the person believes ~~that~~ that person is not in possession of any property reportable or deliverable under this chapter. The administrator may not contract for an examination done within this state.

**SECTION 7. AMENDMENT.** Section 47-30.1-32 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**47-30.1-32. Enforcement - Appeals.** The administrator may bring an action in a court of competent jurisdiction to enforce this chapter. A person in this state who is aggrieved by an audit that in any form requests the payment of money or a civil penalty is entitled to a hearing before the board of university and school lands. A demand for a hearing must be made within thirty days of the request by the administrator. The request by the administrator must contain notice of the right to a hearing. The board's decision is the final order of the agency and is appealable to the district court. Any amount of money requested by the administrator which may increase over time is tolled at the time of filing an appeal, retroactive to the date of the request.

**SECTION 8. RETROACTIVE APPLICATION.** Section 7 of this Act applies to all audits not settled before January 1, 1999.

**SECTION 9. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 226 - LAND DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Assets management	\$2,436,471	\$2,415,900	(\$72,740)	\$2,343,160
Energy development	5,004,267	5,000,000		5,000,000
impact office				
Total all funds	\$7,440,738	\$7,415,900	(\$72,740)	\$7,343,160
Less special funds	<u>7,440,738</u>	<u>7,415,900</u>	<u>(72,740)</u>	<u>7,343,160</u>
General fund	\$0	\$0	\$0	\$0
FTE	19.00	19.00	(1.00)	18.00

Detail of Senate changes to the House version:

	REMOVE UNCLAIMED PROPERTY AUDITOR (\$72,740)	TOTAL SENATE CHANGES (\$72,740)
Assets management		
Energy development		
impact office		
Total all funds	(\$72,740)	(\$72,740)
Less special funds	<u>(72,740)</u>	<u>(72,740)</u>
General fund	\$0	\$0
FTE	(1.00)	(1.00)

Senate changes narrative:

This amendment makes the following changes:

- Removes 1 FTE auditor I position from the unclaimed property audit program.
- Amends North Dakota Century Code Section 47-30.1-30 to provide that when conducting an unclaimed property audit, the Land Department cannot require a business to produce records for a period in excess of seven preceding years and to provide that the department cannot contract for unclaimed property audits conducted in this state.
- Amends Section 47-30.1-32 to provide that a person may appeal unclaimed property audit findings to the Board of University and School Lands and subsequently to district court.
- Provides legislative intent that for unclaimed property examinations conducted by the Land Department during the 1999-2001 biennium, priority must be given to examinations of financial institutions and hospitals and provides that a report must be presented to the Fifty-seventh Legislative Assembly on the examinations conducted.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

Page 1, line 3, after the second semicolon insert "to provide for a report to the budget section;"

Page 1, line 13, replace "5,742,657" with "5,838,079"

Page 1, line 14, replace "1,742,594" with "1,756,894"

Page 1, line 15, replace "132,520" with "158,100"

Page 1, line 20, replace "34,214,041" with "34,349,343"

Page 1, line 21, replace "13,677,333" with "13,767,635"

Page 1, line 22, replace "20,536,708" with "20,581,708"

Page 2, line 1, replace "14,298,824" with "14,394,153"

Page 2, line 6, replace "27,239,424" with "27,334,753"

Page 2, after line 10, insert:

"Beginning entrepreneur loan guarantee program

10,000"

Page 2, line 12, replace "8,500,000" with "8,510,000"

Page 2, line 22, replace "2,733,217" with "2,921,221"

Page 2, line 27, replace "23,691,947" with "23,879,951"

Page 2, line 28, replace "29,036,708" with "29,091,708"

Page 2, line 29, replace "85,134,192" with "85,507,827"

Page 2, line 30, replace "114,170,900" with "114,599,535"

Page 5, after line 14, insert:

**"SECTION 13. PACE AND AG PACE FUND TRANSFERS.** Notwithstanding any other provision of law, the industrial commission may transfer any unobligated funds between the partnership in assisting community expansion fund and the agriculture partnership in assisting community expansion fund during the period beginning January 1, 2001, and ending June 30, 2001.

**SECTION 14. BUDGET SECTION REPORT ON HOME MORTGAGE FINANCE PROGRAMS.** The industrial commission and the Indian affairs commission shall report to the budget section regarding the status of home mortgage finance programs of the housing finance agency available within Indian reservations located within the state of North Dakota. Reports must be presented to the budget section at its first meeting of the 1999-2000 interim and subsequently thereafter as requested by the chairman of the budget section."

Page 5, line 16, after "fund" insert "and section 14"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,961,526	\$5,742,657	\$95,422	\$5,838,079
Operating expenses	1,807,134	1,742,594	14,300	1,756,894
Equipment	198,100	132,520	25,580	158,100
Grants	10,450,000	10,450,000		10,450,000
Administrative contingency	10,000	10,000		10,000
Bond payments	15,891,168	15,891,168		15,891,168
Geophysical exploration	<u>287,039</u>	<u>245,102</u>		<u>245,102</u>
Total all funds	\$34,604,967	\$34,214,041	\$135,302	\$34,349,343
Less special funds	<u>13,814,830</u>	<u>13,677,333</u>	<u>90,302</u>	<u>13,767,635</u>
General fund	\$20,790,137	\$20,536,708	\$45,000	\$20,581,708
FTE	66.00	63.00	1.00	64.00

Detail of Senate changes to the House version includes:

	RESTORE MUNICIPAL BOND BANK LOAN OFFICER FTE	RESTORE TEMPORARY SALARY FUNDING FOR COAL GEOLOGIST	RESTORE A PORTION OF THE INFORMATION TECHNOLOGY EQUIPMENT FUNDING	RESTORE A PORTION OF THE OPERATING EXPENSES FOR THE NEW DATA PROCESSING FTE	TOTAL SENATE CHANGES
Salaries and wages	\$71,662	\$23,760			\$95,422
Operating expenses	11,640			\$2,660	14,300
Equipment	7,000		\$18,580		25,580
Grants					
Administrative contingency					
Bond payments					
Geophysical exploration					
Total all funds	\$90,302	\$23,760	\$18,580	\$2,660	\$135,302
Less special funds	<u>90,302</u>				<u>90,302</u>
General fund	\$0	\$23,760	\$18,580	\$2,660	\$45,000
FTE	1.00	0.00	0.00	0.00	1.00

#### DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,527,399	\$14,298,824	\$95,329	\$14,394,153

Operating expenses	10,835,600	10,835,600		10,835,600
Equipment	500,000	500,000		500,000
Capital improvements	105,000	105,000		105,000
Contingency	1,500,000	1,500,000		1,500,000
PACE	6,600,000	6,000,000		6,000,000
Ag PACE	1,500,000	1,500,000		1,500,000
Beginning farmer	1,000,000	1,000,000		1,000,000
Beginning entrepreneur loan guarantee program			10,000	10,000
Total all funds	\$36,567,999	\$35,739,424	\$105,329	\$35,844,753
Less special funds	<u>27,467,999</u>	<u>27,239,424</u>	<u>95,329</u>	<u>27,334,753</u>
General fund	\$9,100,000	\$8,500,000	\$10,000	\$8,510,000
FTE	178.50	177.50	1.00	178.50

Detail of Senate changes to the House version includes:

	RESTORE ACCOUNT BUDGET SPECIALIST III FTE	ADD FUNDING FOR THE BEGINNING ENTREPRENEUR LOAN GUARANTEE PROGRAM	TOTAL SENATE CHANGES
Salaries and wages	\$95,329		\$95,329
Operating expenses			
Equipment			
Capital improvements			
Contingency			
PACE			
Ag PACE			
Beginning farmer			
Beginning entrepreneur loan guarantee program		\$10,000	10,000
Total all funds	\$95,329	\$10,000	\$105,329
Less special funds	<u>95,329</u>		<u>95,329</u>
General fund	\$0	\$10,000	\$10,000
FTE	1.00	0.00	1.00

Senate changes narrative:

The amendment also adds a section allowing for the transfer of any unobligated funds between the PACE fund and the Ag PACE fund during the period beginning January 1, 2001, and ending June 30, 2001.

#### DEPARTMENT 473 - HOUSING FINANCE AGENCY

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,972,577	\$2,733,217	\$188,004	\$2,921,221
Operating expenses	2,570,690	2,570,690		2,570,690
Equipment	75,000	75,000		75,000
Grants	18,213,040	18,213,040		18,213,040
Contingency	<u>100,000</u>	<u>100,000</u>		<u>100,000</u>
Total all funds	\$23,931,307	\$23,691,947	\$188,004	\$23,879,951
Less special funds	<u>23,931,307</u>	<u>23,691,947</u>	<u>188,004</u>	<u>23,879,951</u>
General fund	\$0	\$0	\$0	\$0
FTE	36.00	33.00	2.00	35.00

Detail of Senate changes to the House version includes:

	RESTORE ACCOUNT BUDGET SPECIALIST I FTE	RESTORE PROGRAM DEVELOPMENT DIRECTOR FTE	TOTAL SENATE CHANGES
Salaries and wages	\$69,875	\$118,129	\$188,004
Operating expenses			
Equipment			
Grants			
Contingency			
Total all funds	\$69,875	\$118,129	\$188,004
Less special funds	<u>69,875</u>	<u>118,129</u>	<u>188,004</u>
General fund	\$0	\$0	\$0
FTE	1.00	1.00	2.00

Senate changes narrative:

The amendment also adds a section requiring the Industrial Commission to report to the Budget Section on Housing Finance Agency home mortgage finance programs available on North Dakota Indian reservations.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1475

Page 1, line 2, after "manufacturers" insert "; to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to monitoring tobacco product manufacturers settlement funds by the office of management and budget"

Page 1, line 8, after "the" insert "east central judicial" and replace "in State of North Dakota, ex rel. Heidi" with "December 28, 1998 (Civil No. 98-3778)"

Page 1, line 9, remove "Heitkamp v. Philip Morris, Inc. (east central dist. ct., December 28, 1998)"

Page 1, line 14, after "a" insert "community", remove "education", and replace "superintendent" with "state department of health"

Page 1, line 15, remove "of public instruction" and replace "superintendent of public instruction shall distribute grant" with "state department of health may use"

Page 1, line 16, replace "on the basis of average daily membership only for programs" with "for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state"

Page 1, remove line 17

Page 1, line 18, remove "education and cessation programs"

Page 1, line 19, replace "five" with "ten"

Page 1, line 21, replace "fifty" with "forty-five"

Page 2, line 1, replace "thirty-five" with "forty-five"

Page 2, remove lines 3 through 5

Page 2, line 6, replace "subsections 1, 2, and 3" with "this section"

Page 2, line 7, remove "Funds to be transferred under subsection 4 must be held"

Page 2, replace lines 8 and 9 with:

**"SECTION 2.** A new subsection to section 54-44-04 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Shall account for and monitor all funds received by the state from any tobacco settlement dollars described in section 1 of this Act and all associated settlements and related funds and shall report to the budget section of the legislative council on the status of such funds, settlements, offsets, and net resulting revenues and any other related information the budget section requires."

Renumber accordingly

#### MOTION

**REP. DORSO MOVED** that the House reconsider its action whereby the conference committee report on Engrossed SB 2320 failed, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that the conference committee report on Engrossed SB 2320 be laid on the table, which motion prevailed on a verification vote.

#### CONSIDERATION OF VETOED MEASURE

**HB 1330:** A BILL for an ACT to amend and reenact sections 65-01-16 and 65-05-04 of the North Dakota Century Code, relating to workers compensation bureau decisions, disputed decisions, and continuing jurisdiction; to repeal section 7 of chapter 532 of the 1997 Session Laws, relating to the effective date of chapter 532 of the 1997 Session Laws; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the enrolled bill over the Governor's veto, which has been read, the roll was called and there were 54 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Froseth; Grande; Grosz; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemm; Kliniske; Koppang; Lloyd; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Gordner; Grumbo; Guleson; Gunter; Hanson; Hoffner; Huether; Kelsch, S.; Kerzman; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Sveen; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Froelich

The House sustained the Governor's veto of HB 1330, as enrolled.

\*\*\*\*\*

**MOTION**

**REP. DORSO MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wald presiding.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1007.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007**

Page 1, line 2, after "affairs" insert "; to provide for line item transfers for the 1997-99 biennium; and to declare an emergency"

Page 1, line 12, replace "5,811,293" with "5,880,699"

Page 1, line 15, replace "432,220" with "482,220"

Page 1, line 16, replace "8,266,841" with "8,386,247"

Page 1, line 17, replace "5,938,446" with "6,147,410"

Page 1, line 18, replace "2,328,395" with "2,238,837"

Page 1, line 24, replace "2,772,729" with "2,683,171"

Page 2, line 1, replace "5,956,779" with "6,165,743"

Page 2, line 2, replace "8,729,508" with "8,848,914"

Page 2, after line 2, insert:

**"SECTION 2. LINE ITEM TRANSFERS - 1997-99 BIENNIUM.** Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer, at the request of the director of the department of veterans affairs, shall transfer \$1,772 from the salaries and wages line item contained in subdivision 2 of section 1 of chapter 36 of the 1997 Session Laws to the operating expenses line item contained in subdivision 2 of section 1 of chapter 36 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

**SECTION 3. APPROPRIATION.** There is hereby appropriated \$3,300 of special funds from donations to the department of veterans affairs for the period beginning with the effective date of this Act and ending June 30, 1999.



**SECTION 4. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the veterans home all income from a permanent fund managed for this institution.

**SECTION 5. EMERGENCY.** Sections 2 and 3 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 313 - VETERANS HOME

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,919,777	\$5,811,293	\$69,406	\$5,880,699
Operating expenses	2,029,278	1,978,278		1,978,278
Equipment	53,550	45,050		45,050
Major improvements	482,220	432,220	50,000	482,220
Grants				
Total all funds	\$8,484,825	\$8,266,841	\$119,406	\$8,386,247
Less special funds	<u>5,979,296</u>	<u>5,938,446</u>	<u>208,964</u>	<u>6,147,410</u>
General fund	\$2,505,529	\$2,328,395	(\$89,558)	\$2,238,837
FTE	84.61	84.61	0.00	84.61

Detail of Senate changes to the House version includes:

	CHANGE FUNDING FOR FIRE SPRINKLER SYSTEM TO ALL OTHER FUNDS <sup>1</sup>	RESTORE FUNDING FOR TUCK-POINTING, ETC. REMOVED BY HOUSE	RESTORE FUNDING FOR SHIFT DIFFERENTIAL REMOVED BY HOUSE	RESTORE NURSES SPECIAL SALARY INCREASE REMOVED BY HOUSE FROM OTHER FUNDS <sup>2</sup>	RECOGNIZE ADDITIONAL LAND DEPARTMENT INCOME	TOTAL SENATE CHANGES
Salaries and wages			\$33,100	\$36,306		\$69,406
Operating expenses						
Equipment		\$50,000				50,000
Major improvements						
Grants						
Total all funds	\$0	\$50,000	\$33,100	\$36,306	\$0	\$119,406
Less special funds	<u>25,000</u>	<u>50,000</u>	<u>33,100</u>	<u>36,306</u>	<u>64,558</u>	<u>208,964</u>
General fund	(\$25,000)	\$0	\$0	\$0	(\$64,558)	(\$89,558)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Provides a total of \$151,500 from other funds, including federal Veterans Administration funds if available.

<sup>2</sup> Provides a total of \$90,592 from other funds for nurses salary increases, the same total amount as in the executive budget. The executive budget funded the \$36,306 from the general fund. Section 4 is added to allow the Veterans Home to receive \$64,558 of additional Land Department income.

#### DEPARTMENT 321 - VETERANS AFFAIRS

SENATE - The Senate makes no changes to the Department of Veterans Affairs.

Sections 2, 3, and 5 are added to allow the Department of Veterans Affairs to receive \$3,300 of donations for 1997-99 and to authorize the transfer from salaries and wages to operating expenses in the amount of \$1,772 to provide funds for payment of the State Auditor's billing for fiscal year 1998.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1011, HB 1012.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 2, after "27-02-02" insert ", 27-05-01, subdivision c of subsection 3 of section 27-05-02.1," and after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and the number of district court judges"

Page 1, line 21, replace "8,334,038" with "8,937,038"

Page 2, line 2, replace "32,469,271" with "33,072,271"

Page 2, line 4, replace "31,689,328" with "32,292,328"

Page 2, line 13, replace "3,129,346" with "399,601"

Page 2, line 14, replace "3,129,346" with "399,601"

Page 2, line 15, replace "42,166,922" with "40,040,177"

Page 2, line 17, replace "43,216,865" with "41,090,120"

Page 2, after line 27, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM.** The legislative council shall consider studying, during the 1999-2000 interim, the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

**SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS.** The supreme court shall develop criteria for the equitable allocation of indigent defense funds contained in the operating expenses line item for district courts. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The supreme court may use any other factors deemed appropriate by the supreme court. The historical funding levels may be used as one factor of many and may not be given consideration in excess of any other factor. The supreme court shall use these criteria in the allocation of indigent defense funds appropriated under this Act."

Page 3, after line 5, insert:

**"SECTION 7. AMENDMENT.** Section 27-05-01 of the North Dakota Century Code is amended and reenacted as follows:

**27-05-01. Judicial districts - Number of judges.**

1. The judicial districts in this state are as designated by rule of the supreme court. The number of judges in each of the judicial districts is as follows:
  - a. The northwest judicial district shall have five judges.
  - b. The northeast judicial district shall have three judges.
  - c. The northeast central judicial district shall have four judges.
  - d. The east central judicial district shall have four judges.
  - e. The southeast judicial district shall have three judges.
  - f. The south central judicial district shall have five judges.
  - g. The southwest judicial district shall have three judges.
2. Each judicial district has that number of additional judges as designated by rule of the supreme court pursuant to subsection 3 of section 27-05-00.1. The supreme court shall reduce the number of district judges pursuant to section 27-05-02.1 to forty-two before January 2, ~~2004~~ 2003.

**SECTION 8. AMENDMENT.** Subdivision c of subsection 3 of section 27-05-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. From July 1, 1999, until December 31, ~~2000~~ 2002, if on July 1, 1999, the number of district court judges is more than forty-two."

Page 3, line 9, replace "seventy-nine" with "seventy-seven", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "eight", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 182 - DISTRICT COURTS

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038
Equipment	788,600	674,603		674,603
Judges retirement	851,889	814,561		814,561
Alternative dispute resolution	60,000	40,000		40,000
UND - Central legal research		80,000		80,000
Total all funds	\$34,379,678	\$32,469,271	\$603,000	\$33,072,271
Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328
FTE	191.00	189.50	0.00	189.50

Detail of Senate changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000
FTE	0.00	0.00	0.00

Senate changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Sections 6 and 7 - Extend, by two years, the deadline for reducing the number of district court judges to 42.

#### DEPARTMENT 184 - CLERK OF DISTRICT COURT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Clerk of district courts	<u>\$3,035,898</u>	<u>\$3,129,346</u>	<u>(\$2,729,745)</u>	<u>\$399,601</u>
Total all funds	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
Less special funds				

General fund	\$3,035,898	\$3,129,346	(\$2,729,745)	\$399,601
FTE	129.00	129.00	(16.00)	113.00

Detail of Senate changes to the House version includes:

	REDUCE FUNDING	TOTAL SENATE CHANGES
Clerk of district courts	<u>(\$2,729,745)</u>	<u>(\$2,729,745)</u>
Total all funds	<u>(\$2,729,745)</u>	<u>(\$2,729,745)</u>
Less special funds		
General fund	<u>(\$2,729,745)</u>	<u>(\$2,729,745)</u>
FTE	<u>(16.00)</u>	<u>(16.00)</u>

Senate changes narrative:

This amendment removes all clerk of court funding except for the following:

Operating expenses	\$50,000
111 FTE clerks (1 month)	342,982
1 FTE human services clerk (1 month)	2,586
1 FTE accountant (1 month)	<u>4,033</u>
Total	\$399,601

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 2, replace "two" with "a" and replace "sections" with "section"

Page 1, line 3, remove "and law enforcement training academy fees"

Page 1, line 11, replace "22,187,004" with "22,083,004"

Page 1, line 13, replace "25,105,990" with "25,001,990"

Page 1, line 14, replace "15,799,754" with "15,695,754"

Page 2, line 23, replace "Two" with "A", replace "sections" with "section", and replace "are" with "is"

Page 2, remove lines 28 through 31

Page 3, remove lines 1 and 2

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,016,729	\$1,996,541		\$1,996,541
Field operations	22,564,316	22,187,004	(\$104,000)	22,083,004
Law enforcement training academy	<u>927,900</u>	<u>922,445</u>		<u>922,445</u>
Total all funds	\$25,508,945	\$25,105,990	(\$104,000)	\$25,001,990
Less special funds	<u>15,604,953</u>	<u>15,799,754</u>	<u>(104,000)</u>	<u>15,695,754</u>
General fund	\$9,903,992	\$9,306,236	\$0	\$9,306,236
FTE	198.00	198.00	0.00	198.00

Detail of Senate changes to the House version includes:

	RESTORE MOBILE DATA TERMINAL MAINTENANCE FUNDING	RESTORE FUNDING CHANGE FOR LAW ENFORCEMENT TRAINING ACADEMY	REDUCE FUNDING IN UNDESIGNATED AREAS	TOTAL SENATE CHANGES
Administration				
Field operations	\$40,000 <sup>1</sup>		(\$144,000) <sup>3</sup>	(\$104,000)
Law enforcement training academy				

Total all funds	\$40,000	\$0	(\$144,000)	(\$104,000)
Less special funds		(104,000) <sup>2</sup>		(104,000)
General fund	\$40,000	\$104,000	(\$144,000)	\$0
FTE	0.00	0.00	0.00	0.00

Senate changes narrative:

- <sup>1</sup> Restores funding removed by the House for maintenance of the mobile data terminals.
- <sup>2</sup> Removes provisions added by the House which would have required the Highway Patrol to charge fees to non-Highway Patrol personnel attending courses at the Law Enforcement Training Academy. The increased special fund revenue which would have been generated from this fee is being replaced with general fund moneys.
- <sup>3</sup> Reduces funding in the field operations program. The Highway Patrol may determine the specific areas of the budget to reduce.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

Page 1, line 2, after "transportation" insert "; to provide an appropriation to the department of corrections and rehabilitation; to provide for a legislative council study; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to commemorative Lewis and Clark number plates; and to amend and reenact sections 39-04-08.1, 39-04-11, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to the display of and fees for number plates and tabs"

Page 1, line 9, replace "25,797,360" with "25,957,360"

Page 1, line 10, replace "7,413,072" with "9,713,072"

Page 1, line 11, replace "9,281,759" with "9,448,859"

Page 1, line 12, replace "553,523,851" with "548,126,965"

Page 1, line 13, replace "34,677,551" with "33,751,351"

Page 1, line 14, replace "630,693,593" with "626,997,607"

Page 1, after line 20, insert:

**"SECTION 3. APPROPRIATION - ROUGHRIDER INDUSTRIES.** There is hereby appropriated from special funds, derived from income, the sum of \$1,700,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of defraying the expenses associated with the production of a Lewis and Clark commemorative license plate for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 4. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 1999-2000 interim, the fleet services program of the department of transportation. The study should include a review, the cost-effectiveness of the program, and the methods used to project and set motor pool rates.

**SECTION 5.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Commemorative Lewis and Clark number plates.** The director shall design and issue a distinctive number plate commemorating Lewis and Clark. Notwithstanding section 39-04-12, the Lewis and Clark plate does not require the slogan "peace garden state". An applicant is entitled to receive this plate upon payment of an additional fee of ten dollars per registration period between December 1, 1999, and November 30, 2000. All additional fees collected under this section must be deposited in the highway fund.

**SECTION 6. AMENDMENT.** Section 39-04-08.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-08.1. Assignment of motor vehicle number plates.** Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. Except as provided in sections 39-04-10 and 39-04-10.3, the department shall charge a nonrefundable fee of ten dollars if an applicant chooses a number plate

other than the number plate randomly assigned. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. The department of transportation ~~shall~~ may adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

**SECTION 7. AMENDMENT.** Section 39-04-11 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-11. Display of number plates and tabs.** Except as otherwise specifically provided, ~~no~~ a person may not operate or drive a vehicle on the public highways of this state unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or house trailer must be attached to the rear thereof. When only one number plate is furnished for an apportioned vehicle licensed under the international registration plan as authorized in section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a manner that does not cover any words, letter, or number on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department continue to be the property of the state of North Dakota for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

**SECTION 8. AMENDMENT.** Subsection 4 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$26,902,044	\$25,797,360	\$160,000	\$25,957,360
Motor vehicle	10,646,562	7,413,072	2,300,000	9,713,072
Driver's license	9,352,175	9,281,759	167,100	9,448,859
Highways	553,629,335	553,523,851	(5,396,886)	548,126,965
Fleet services	34,708,905	34,677,551	(926,200)	33,751,351
Total all funds	\$635,239,021	\$630,693,593	(\$3,695,986)	\$626,997,607
Less special funds	<u>635,239,021</u>	<u>630,693,593</u>	<u>(3,695,986)</u>	<u>626,997,607</u>
General fund	\$0	\$0	\$0	\$0
FTE	1,042.00	1,040.00	0.00	1,040.00

Detail of Senate changes to the House version includes:

	RESTORE INFORMATION TECHNOLOGY FUNDING	RESTORE TEMPORARY SALARIES AND REPAIRS	RESTORE TEMPORARY SALARIES	RESTORE REPAIRS AND EQUIPMENT	REDUCE INSURANCE AND EQUIPMENT LEASE/RENTALS	REDUCE HIGHWAY CONSTRUCTION FUNDING
Administration	\$160,000	<sup>1</sup>				

Motor vehicle		\$100,000 <sup>2</sup>		\$30,000 <sup>3</sup>		\$450,000 <sup>4</sup>		(\$7,194,886) <sup>6</sup>
Driver's license								
Highways								
Fleet services							(\$926,200) <sup>5</sup>	
Total all funds	\$160,000	\$100,000	\$30,000	\$450,000	(\$926,200)			(\$7,194,886)
Less special funds	<u>160,000</u>	<u>100,000</u>	<u>30,000</u>	<u>450,000</u>	<u>(926,200)</u>			<u>(7,194,886)</u>
General fund	\$0	\$0	\$0	\$0	\$0			\$0
FTE	0.00	0.00	0.00	0.00	0.00			0.00

	ADD PUBLIC TRANSPORTATION GRANTS	ADD FUNDING RELATED TO HB 1291	ADD FUNDING RELATED TO SB 2406	ADD FUNDING FOR NEW LICENSE PLATE ISSUE	OTHER CHANGES	TOTAL SENATE CHANGES
Administration						\$160,000
Motor vehicle				\$2,200,000 <sup>10</sup>		2,300,000
Driver's license		\$110,000 <sup>8</sup>	\$27,100 <sup>9</sup>			167,100
Highways	\$1,348,000 <sup>7</sup>					(5,396,886)
Fleet services						<u>(926,200)</u>
Total all funds	\$1,348,000	\$110,000	\$27,100	\$2,200,000	\$0	(\$3,695,986)
Less special funds	<u>1,348,000</u>	<u>110,000</u>	<u>27,100</u>	<u>2,200,000</u>		<u>(3,695,986)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

## Senate changes narrative:

- 1 Restores \$160,000 of the \$330,000 highway fund reduction made by the House to information technology hardware funding in the administration program.
- 2 Restores \$50,000 removed by the House for temporary salaries and \$50,000 removed by the House for repairs in the motor vehicle program.
- 3 Restores \$30,000 of funding from the highway fund removed by the House for temporary salaries in the driver's license program.
- 4 Restores \$200,000 of funding from the highway fund removed by the House for repairs and \$250,000 of funding from the highway fund removed by the House for office equipment and furniture in the highways program.
- 5 Reduces funding for lease/rental equipment by \$126,200 and insurance by \$800,000 from the Fleet Services fund in the Fleet Services program.
- 6 Reduces funding for highway construction added by the House from budget reductions made in other areas of the department's budget. The department does not need this additional appropriation authority to match anticipated federal highway construction funds for the 1999-2001 biennium.
- 7 Adds funding from the public transportation fund for grants to public transportation providers as a result of the additional funding generated pursuant to provisions of House Bill No. 1380.
- 8 Adds funding as follows in the driver's license program for costs associated with the provisions of House Bill No. 1291 (graduated driver's license):

Temporary salaries	\$50,000
Operating expenses	<u>60,000</u>
Total	\$110,000

- 9 Adds funding in the driver's license program for operating costs associated with the provisions of Senate Bill No. 2406 (proof of liability insurance).
- 10 Adds funding in the Motor Vehicle Division for a new license plate issue. A section is added to the bill providing that the department begin issuing a distinctive Lewis and Clark plate in December 1999 that an individual may choose to purchase for an additional fee of \$10. The general issuance of the Lewis and Clark plate will begin in December 2000.

A section is added appropriating \$1.7 million of special funds to Roughrider Industries for producing the new license plates.

A section is added providing for an interim Legislative Council study of the Fleet Services program.

A section is added authorizing the department to charge an additional \$10 fee if an individual requests a specific number plate.

Sections are added providing that license plates must be mounted in a manner that does not cover any part of the plate, that the license plate tabs be placed only in the designated area on the plate, and that the department may issue smaller plates for trailers, if requested.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2289, SCR 4055.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully reexamined the Journal of the Fifty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1083, line 15, after "789" insert ", adopt further amendments as follows,"

**REP. AARSVOLD MOVED** that the report be adopted, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage. Was read the first time.

**MOTION**

**REP. DORSO MOVED** that the rules be suspended, that SCR 4059 not be printed, not be referred to committee, be read in title only, not be printed in the Journal, be placed on the calendar for second reading and final passage and messaged to the Senate immediately, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg

SCR 4059 was declared adopted on a recorded roll call vote.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1290, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1290: Reps. Lloyd, Boehm, Nichols.



**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1003, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1003: Reps. Wentz, Carlson, Nichols.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1013, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1013: Reps. Byerly, Tollefson, Huether.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1015, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1015: Reps. Poolman, Tollefson, Guleson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1475, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1475: Reps. Dorso, Dalrymple, Aarsvold.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1002, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1002: Reps. Byerly, Dorso, Huether.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1012, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1012: Reps. Byerly, Poolman, Guleson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1089, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1089: Reps. Berg, Poolman, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2307: Reps. Belter, Grosz, Froelich.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1037:** Sens. W. Stenehjem; Wardner; DeMers  
**HB 1131:** Sens. Cook; B. Stenehjem; Thompson  
**HB 1171:** Sens. W. Stenehjem; Thane; DeMers  
**HB 1304:** Sens. W. Stenehjem; Thane; Mutzenberger  
**HB 1329:** Sens. Traynor; Lyson; C. Nelson

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2016, SB 2038, SB 2114, and SB 2188 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2016:** Sens. Grindberg; Andrist; Lindaas  
**SB 2038:** Sens. Kilzer; Thane; DeMers  
**SB 2114:** Sens. Lee; Fischer; Mutzenberger  
**SB 2188:** Sens. Nething; Traynor; Lindaas

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1002, HB 1003, HB 1012, HB 1013, HB 1015, HB 1089, and HB 1290 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1002:** Reps. Byerly; Dorso; Huether  
**HB 1003:** Reps. Wentz; Carlson; Nichols  
**HB 1012:** Reps. Byerly; Poolman; Guleson  
**HB 1013:** Reps. Byerly; Tollefson; Huether  
**HB 1015:** Reps. Poolman; Tollefson; Guleson  
**HB 1089:** Reps. Berg; Poolman; Huether  
**HB 1290:** Reps. Lloyd; Boehm; Nichols

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1475 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1475:** Reps. Dorso; Dalrymple; Aarsvold

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2307:** Reps. Belter; Grosz; Froelich

**MOTION**

**REP. DORSO MOVED** that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 4:15 p.m., which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and failed to pass: HB 1344.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed Sen. Holmberg to replace Sen. Nething on the Conference Committee on SB 2008.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed Sen. Naaden to replace Sen. Nething on the Conference Committee on SB 2004.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2001, SB 2217, SB 2371.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2068, SB 2088.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2068, as engrossed:** Your conference committee (Sens. Freborg, Wanzek, O'Connell and Reps. Haas, Nelson, Mueller) recommends that the **HOUSE RECEDE** from the House

amendments on SJ pages 728-729, adopt amendments as follows, and place SB 2068 on the Seventh order:

That the House recede from its amendments as printed on pages 728 and 729 of the Senate Journal and page 805 of the House Journal and that Engrossed Senate Bill No. 2068 be amended as follows:

Page 1, line 16, replace "approved" with ":

- (1) Approved"

Page 1, line 20, after the semicolon insert "or

- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board;"

Page 2, line 12, remove "and"

Page 2, line 13, after the first period insert "The loan is:

- (1) Approved by a majority of the eligible electors residing in each school district participating in the consortium, as evidenced by their signatures on a petition clearly stating the purpose of the loan, the amount of the loan, and its terms of repayment, and filed with the superintendent of public instruction; or
- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board; and

e."

Page 2, line 15, after the period insert "The superintendent of public instruction may not approve a loan under this section if the superintendent determines that the instructional technology acquisition is not compatible with the statewide information technology plan."

Renumber accordingly

Engrossed SB 2068 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2088:** Your conference committee (Sens. Wanzek, Freborg, Kelsh and Reps. Drovdal, Nelson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 769-770, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments as printed on pages 769 and 770 of the Senate Journal and page 857 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and" and remove "15-04-09,"

Page 1, remove lines 4 through 16

Page 1, line 21, remove the overstrike over the overstruck comma

Page 1, line 22, remove the overstrike over "~~and must be held at the county seat~~"

Page 2, after line 3, insert:

**"SECTION 2.** A new section to chapter 15-04 of the North Dakota Century Code is created and enacted as follows:

**County services benefiting school trust lands - Payment.** On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant

lands. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The total fees paid under this section may not exceed five percent of the net revenue generated from the original grant lands in that county during the year preceding the payment. For purposes of this section, net revenue means the gross revenue from surface management, less any administrative and operating expenses, but does not include any moneys that must be deposited in a permanent trust fund."

Renumber accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SCR 4059.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wald presiding.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do concur in the Senate amendments to Engrossed HB 1175 as printed on HJ page 903, which motion prevailed.

Reengrossed HB 1175 was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1175:** A BILL for an Act to create and enact a new section to chapter 26.1-01 and sections 26.1-05-02.1, 26.1-12-11.1, and 26.1-26-11.1 of the North Dakota Century Code, relating to electronic filings, domestic insurance companies, incorporated mutual insurance companies, and authorized lines of business; to amend and reenact sections 26.1-05-02, 26.1-12-01, 26.1-12-06, 26.1-12-11, 26.1-26-01, 26.1-26-11, 26.1-26-25, and 26.1-26-31.1 of the North Dakota Century Code, relating to domestic insurance companies, mutual insurance companies, insurance agents, authorized lines of business, and exceptions from examination requirements; to repeal section 26.1-05-03 of the North Dakota Century Code, relating to organization of a domestic mutual life insurance company; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg

Reengrossed HB 1175 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to Engrossed HB 1256 as printed on HJ pages 1036-1037, which motion prevailed.

Reengrossed HB 1256 was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1256:** A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to the designation of industrial hemp as a noxious weed;

and to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brekke; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Sveen; Thoreson, L.; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Boehm; Brusegaard; Byerly; Carlisle; Carlson; DeKrey; Delzer; Devlin; Drovda; Ekstrom; Gorder; Grande; Hanson; Hoffner; Kelsh, S.; Kroeber; Lloyd; Lundgren; Mickelson; Renner; Solberg; Stefonowicz; Thoreson, B.; Thorpe; Timm; Tollefson; Weisz

**ABSENT AND NOT VOTING:** Brandenburg

Reengrossed HB 1256 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1276, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. BERG MOVED** that the House do concur in the Senate amendments to Engrossed HB 1444 as printed on HJ pages 1010-1011, which motion prevailed.

Reengrossed HB 1444, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1444:** A BILL for an Act to amend and reenact section 43-09-16 of the North Dakota Century Code, relating to persons exempt from electrician's licensure requirements; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Ekstrom; Fairfield; Gorder; Herbel; Kelsh, S.; Stefonowicz; Warner

**ABSENT AND NOT VOTING:** Brandenburg

Reengrossed HB 1444 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do concur in the Senate amendments to HCR 3075 as printed on HJ page 835, which motion prevailed.

Engrossed HCR 3075 was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3075:** A concurrent resolution directing the Legislative Council to study insurance discrimination against victims of domestic violence.

**ROLL CALL**

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg

Engrossed HCR 3075 was declared adopted on a roll call vote.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1007, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1007: Reps. Delzer, Bernstein, Hoffner.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to HB 1043, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1043: Reps. Delzer, DeKrey, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2016: Reps. Dalrymple, Boehm, Kerzman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2188: Reps. Grosz, Tollefson, Kerzman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2038: Reps. Price, Delzer, Eckre.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2114: Reps. Price, Svedjan, Metcalf.

**CONSIDERATION OF VETOED MEASURE**

**HB 1266:** A BILL for an Act relating to the expenditure of bureau funds for capital purchases; to provide a continuing appropriation; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the enrolled bill over the Governor's veto, which has been read, the roll was called and there were 70 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Eckre; Ekstrom; Fairfield; Gulleon; Hanson; Hoffner; Kelsh, S.; Kerzman; Klein; Kroeber; Lundgren; Maragos; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Solberg

The House overrode the Governor's veto of HB 1266, as enrolled.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1158 be adopted, which motion prevailed.

Reengrossed HB 1158, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to exceptions to the licensure requirements to practice medicine; and to amend and reenact sections 43-17-01, 43-17-02, 43-17-06, 43-17-30.1, and 43-17-31 of the North Dakota Century Code, relating to the definitions of practice of medicine, persons exempt from medical practice licensure requirements, officers of the board of medical examiners, and disciplinary action of the board.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Ekstrom; Fairfield; Hoffner; Lemieux; Rose; Warner

**ABSENT AND NOT VOTING:** Brandenburg

Reengrossed HB 1158 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. HAAS MOVED** that the conference committee report on Engrossed SB 2068 be adopted, which motion prevailed.

Engrossed SB 2068, as amended, was placed on the Fourteenth order.

### SECOND READING OF SENATE BILL

**SB 2068:** A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, and in the alternative to create and enact a new section to chapter 15.1 of the North Dakota Century Code, relating to the borrowing of money by school district technology consortia; to provide for a contingent expiration date; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Mickelson

**ABSENT AND NOT VOTING:** Brandenburg

Engrossed SB 2068, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### REPORT OF CONFERENCE COMMITTEE

**REP. HAAS MOVED** that the conference committee report on SB 2088 be adopted, which motion prevailed.

SB 2088, as amended, was placed on the Fourteenth order.

### SECOND READING OF SENATE BILL

**SB 2088:** A BILL for an Act to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and to amend and reenact sections 15-04-10, 15-06-26, and 15-07-20 of the North Dakota Century Code, relating to leasing and sale of school trust lands.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Lundgren

**ABSENT AND NOT VOTING:** Brandenburg

SB 2088, as amended, passed and the title was agreed to.

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**REQUEST**

**REP. GULLESON REQUESTED** that the amendments to Engrossed SB 2009 be debated separately, which request was granted.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Reengrossed SB 2162, Engrossed SB 2182, Engrossed SB 2355, and SB 2404 be adopted, which motion prevailed.

Reengrossed SB 2162, Engrossed SB 2182, Engrossed SB 2355, and SB 2404, as amended, were placed on the Fourteenth order of business on the calendar.

**SIXTH ORDER OF BUSINESS**

**SB 2009, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments be adopted and Engrossed SB 2009, as amended, be placed on the Fourteenth order with committee recommendation of **DO PASS**, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide for crop protection product task force; to provide a statement of legislative intent; to provide for a transfer; to amend and reenact sections 4-01-21 and 19-18-04 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and pesticide registration fees; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 73 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Gorder; Gulleason; Hanson; Hoffner; Kelsh, S.; Kroeber; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Niemeier; Rose; Sandvig; Solberg; Stefanowicz; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Warner

Engrossed SB 2009, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2355:** A BILL for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Froelich; Froseth; Gorder; Grande; Grosz; Gunter; Haas; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Lloyd; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Weisz; Speaker Wald

**NAYS:** Aarsvold; Boucher; Byerly; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleason; Hanson; Hawken; Hoffner; Jensen; Keiser; Kelsh, S.; Kerzman; Klein; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Mueller;

Nichols; Niemeier; Nowatzki; Price; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Drovdal; Galvin; Sveen

Engrossed SB 2355, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2162:** A BILL for an Act to provide for the reimbursement of certain reorganized districts; to create and enact a new section to chapter 15-29 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, and to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to proportionate payments for summer school programs and nonoperating school districts; to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-07.3, 15-40.1-08, subsection 1 of section 57-15-14.2, and section 57-15-17.1 of the North Dakota Century Code, relating to educational support per student and payment factors; to provide an appropriation; to provide for a legislative council study; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Henegar; Herbel; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Gulleeson; Hanson; Hawken; Hoffner; Johnson, N.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Meyer; Mueller; Niemeier; Rose; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Maragos

Reengrossed SB 2162, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2182:** A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to implementing a children's health insurance program.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 45 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Bernstein; Boehm; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; Devlin; Disrud; Dorso; Drovdal; Froseth; Gunter; Haas; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Speaker Wald

**NAYS:** Aarsvold; Boucher; Byerly; Cleary; DeKrey; Delmore; Delzer; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Gorder; Grande; Grumbo; Gulleeson; Hanson; Hawken; Hoffner; Huether; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Monson; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Weisz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Froelich; Grosz; Henegar

Engrossed SB 2182, as amended, was declared lost for lack of a Constitutional majority.

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## SECOND READING OF SENATE BILL

**SB 2404:** A BILL for an Act to create and enact five new sections to chapter 52-08 of the North Dakota Century Code, relating to work force training; to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 55 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Boucher; Brekke; Carlisle; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Ekstrom; Froseth; Glassheim; Grumbo; Gunter; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Lemieux; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nicholas; Nottestad; Nowatzki; Poolman; Porter; Rose; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Timm; Tollefson; Warner; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Bernstein; Boehm; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Drovdal; Eckre; Fairfield; Froelich; Galvin; Gorder; Grande; Grosz; Guleson; Haas; Hanson; Kelsh, S.; Kerzman; Klein; Kroeber; Lloyd; Lundgren; Mahoney; Meyer; Nelson; Nichols; Niemeier; Pollert; Price; Renner; Rennerfeldt; Sandvig; Sveen; Thoreson, L.; Thorpe; Weisz; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Koppelman

Engrossed SB 2404, as amended, passed and the title was agreed to.

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## MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2016:** Reps. Dalrymple; Boehm; Kerzman

**SB 2038:** Reps. Price; Delzer; Eckre

**SB 2114:** Reps. Price; Svedjan; Metcalf

**SB 2188:** Reps. Grosz; Tollefson; Kerzman

## MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1007 and HB 1043 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1007:** Reps. Delzer; Bernstein; Hoffner

**HB 1043:** Reps. Delzer; DeKrey; Nichols

## MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1175, HB 1256, HB 1444, HCR 3075.

## MOTION

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, April 6, 1999, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

**HB 1035:** Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. D. Johnson, Haas, Nowatzki) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 990 and place HB 1035 on the Seventh order.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has overridden the Governor's veto on HB 1266. The vote was 70 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has sustained the Governor's veto on HB 1330. The vote was 54 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2162, SB 2171, SB 2381, SB 2404.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2009, SB 2168.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1158.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2068, SB 2088.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2002, SB 2066, SB 2107, SB 2108, SB 2159, SB 2170, SB 2185, SB 2189, SB 2212, SB 2229, SB 2246, SB 2266, SB 2275, SB 2280, SB 2309, SB 2350, SB 2388.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4023, SCR 4036, SCR 4054, SCR 4057.

The House stood adjourned pursuant to Representative Monson's motion.

**LANCE HAGEN, Chief Clerk**